



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

LCC:ddj

Docket No: 5300-99

27 June 2000

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 27 June 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by CMC memorandum 1040 CMT of 2 June 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:
1040
CMT
2 Jun 2000

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION
OF NAVAL RECORDS

Subj: ADVISORY OPINION IN THE CASE OF [REDACTED]
[REDACTED]

Ref: (a) BCNR Docket #5300-99
(b) MCO P1040R.35B

1. In response to reference (a), the following information is provided. Reference (b) provides guidance on assigning a date of rank to a Marine who is requesting an off-contract waiver. Specifically, if a Marine is "enlisting 3 years or more after separation from the Marine Corps/MCR, the applicant will be reappointed to the grade held at time of separation with date of rank as date of enlistment." [REDACTED] fell off contract on 4 February 1995 from the Individual Ready Reserve (IRR) and did not reenlist into the Selected Marine Corps Reserve (SMCR) until 30 October 1998. [REDACTED] request to rejoin the Marine Corps Reserve, unfortunately, was not submitted in time to prevent his present date of rank from being his date of reenlistment.

2. The point of contact for this matter is Master Sergeant [REDACTED] at com1 (703) 784-9128 or DSN 784-9128.

[REDACTED]
[REDACTED]
By direction